

## REMARKS

Applicants request favorable reconsideration and allowance of this application in view of the foregoing amendments and the following remarks.

Claims 1, 2, 5-13, and 16-23 are pending in this application, with Claims 1, 12, and 23 being independent. Claims 3, 4, 14, and 15 have been cancelled without prejudice.

Claims 1, 5, 6, 12, 16, 17, and 23 have been amended. Applicants submit that no new matter has been added.

Claim 23 is rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. The Examiner asserts at page 2 of the Office Action that the claim is directed to a computer program *per se*, and he suggests amending the preamble to recite “a computer readable medium.” Applicants have adopted the Examiner’s suggestion and request withdrawal of the Section 101 rejection.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,624,810 (Suzuki et al.), and in view of U.S. Patent No. 6,643,028 (Ogaki et al.). Applicants respectfully traverse this rejection for the following reasons.

The Examiner relies on Ogaki as disclosing the re-input feature. However, as understood by Applicants, Ogaki fails to disclose or suggest at least the features of (i) re-input determination means for determining whether to output a signal urging re-input of the image data input by said image-data input means, said re-input determination means including difficulty determination means for determining whether the determination by said specific-image determination means is difficult, wherein said re-input determination means determines whether

to output the signal urging re-input of the image data based on the determination by said difficulty determination means; and (ii) signal output means for outputting the signal urging re-input of the image data, in accordance with a result of the determination by said re-input determination means, as recited in Claim 1.

Ogaki is directed to a problem where a user must walk to a scanner to scan documents, return to a computer to determine whether the documents were scanned too lightly or too darkly, and return to the scanner if re-scanning is necessary. To address this problem, that patent teaches that scanned pages are printed in one of various formats so the user can confirm proper reading on the spot or rescan pages as necessary. See col. 5, lines 31-37. Thus, Ogaki merely prints out a version of scanned pages for review by the user and, if the user determines that re-reading of any pages is necessary, the user sets the originals on the scanner document unit and inputs a page number required to be re-read. See col. 9, lines 16-23.

Accordingly, Applicants submit that Ogaki does not disclose or suggest outputting a signal urging re-input of image data. Instead, that patent merely discloses printing of scanned images, in various formats. The printed images do not “urge” re-input, but rather provide material for a user to review and determine whether re-input is needed. Further, we believe Ogaki does not disclose or suggest re-input determination means for determining whether to output a signal urging re-input of image data. Since that patent does not output any signal urging re-input, it cannot make any determination as to whether to output such a signal. Further, even if the pages output for a user’s review could somehow be considered a signal urging re-input, we understand Ogaki to disclose always outputting those images - there is no determination as to

whether to output those pages. More specifically, Ogaki does not disclose determining whether to output the pages for user review based on the difficulty of reading a scanned image (i.e., based on whether it is too light or too dark), but instead the pages are printed out precisely so a user can review them and make the determination as to whether re-input is needed.

Lastly, Applicants submit that Ogaki fails to disclose or suggest determining whether a determination by a specific-image determination means is difficult. That patent only discusses problems relating to an image being scanned too lightly or too darkly, but there are other reasons that a specific-image determination may be difficult (e.g., original at wrong angle or position). Even assuming, *arguendo*, that Ogaki disclosed determining whether to output a signal urging re-input when an image is scanned too darkly or too lightly, that patent still would not disclose determining whether to output a signal urging re-input of image data based on a determination of whether a specific-image determination is difficult.

For the foregoing reasons, Applicants submit that the present invention recited in Claim 1 is patentable over the cited art. Independent Claims 12 and 23 recite similar features and are believed patentable for similar reasons. The dependent claims are believed patentable for at least the same reasons as the independent claims, as well as for the additional features they recite.

In view of the foregoing, this application is believed to be in condition for allowance. Favorable reconsideration, withdrawal of the rejections, and an early Notice of Allowance are respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 721-5427. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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